

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. 6:07-3368-HMH
)	
Plaintiff,)	
)	
vs.)	
)	
\$38,020.00 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	

CONSENT ORDER OF FORFEITURE

This in rem forfeiture action was filed on October 10, 2007 concerning \$38,020.00 in United States currency seized on or about June 1, 2007 by Greenville County Sheriff's Office from the custody or possession of Willie K. Washington and David T. Scott.

Publication of the action was made in "The State" newspaper on November 7, 2007 in accord with 19 U.S.C. § 1607 and Supplemental Rule G(4) for Admiralty or Maritime Claims and Asset Forfeiture Actions¹. In regard to notice by publication, persons claiming an interest were required to file a verified statement of the claimed interest within thirty (30)

¹ Hereafter referred to as "Supplemental Rules."

days after completed publication, and serve an Answer to the Complaint within twenty (20) days after filing such verified statement of claimed interest. Supplemental Rules G(4)(b) and 5.

At the time the Complaint was filed, the United States was aware of two potential claimants to the Defendant property, Willie K. Washington and David T. Scott. The United States sent notice to these potential claimants on October 19, 2007, by Federal Express. Included with the Notice were copies of the following documents: Complaint for Forfeiture *in rem*, Warrant of Arrest and Notice *in rem*, Order for Arrest of Property, and Answers of the United States to Standard Interrogatories. Willie K. Washington and David T. Scott were required to file a claim not later than thirty-five (35) days after the notice of the forfeiture was sent, and to file an Answer to the Complaint within twenty (20) days after filing the claim. Supplemental Rules G4(b) and (5).

The period in which to file a timely claim based on publication and direct notice has elapsed. Willie K. Washington and David T. Scott filed a timely claim in this case to the Defendant property. No other claims have been filed.

The United States and Willie K. Washington and David T. Scott have reached the following settlement: First, \$6,250.00 of the Defendant currency is to be returned to Willie K. Washington by the United States Marshals Service issuing a check made jointly payable to "Willie K. Washington and his Attorney, Randall S. Hiller". Second, \$6,250.00 of the Defendant currency is to be returned to David T. Scott by the United States Marshals Service

issuing a check made jointly payable to “David T. Scott and his Attorney, Randall S. Hiller”.

Third, the balance of the Defendant currency, to wit, \$25,520.00, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED AND DECREED, that:

1. All persons and entities other than Willie K. Washington and David T. Scott claiming any right, title or interest in or to the Defendant currency are hereby held in default and default judgment is entered against them.

2. The United States Marshals Service shall forthwith return \$6,250.00 of the Defendant currency to Willie K. Washington by check made jointly payable to “Willie K. Washington and his Attorney, Randall S. Hiller”.

3. The United States Marshals Service shall forthwith return \$6,250.00 of the Defendant currency to David T. Scott by check made jointly payable to “David T. Scott and his Attorney, Randall S. Hiller”.

4. Pursuant to 21 U.S.C. § 881(a)(6), 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C), the balance of the Defendant currency, to wit, \$25,520.00, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

5. Clear title in and to the aforesaid \$25,520.00 of the Defendant currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$25,520.00 of the Defendant currency are hereby forever foreclosed and barred.

6. The \$25,520.00 of the Defendant currency forfeited herein shall be disposed of by the United States Marshals Service in accordance with law.

IT IS SO ORDERED.

s/Henry M. Herlong Jr.
United States District Judge

Greenville, South Carolina

May 28, 2008